

REMARKS

The indication by the Examiner of the allowance of claims 1-11 is noted and appreciated. Further, the indication that claims 15-17, if rewritten in independent form including all the limitations of the base claim and any intervening claim, is noted and appreciated.

Applicant has rewritten claim 15 in independent form to include all the limitations of the base claim 14, and thus, is believed to be in condition for allowance. Such action is respectfully requested.

Original claims 16 and 17 ultimately depend from amended claim 15, and thus, are believed to be in condition for allowance for at least the same reasons. Such action is respectfully requested.

Claims 12, 13, 19, and 20 have been withdrawn as the result of an earlier restriction requirement. Applicant retains the right to present the aforementioned withdrawn claims in a divisional application.

Rejected Claims

Applicant has amended claim 14 to define a cutter disc for the drive shafts of rotor assemblies on wood fragmenting machines having cutter elements with hood projections thereon, wherein the hook projections provide first cutting edges terminating forwardly in a rotatively leading direction. Further, cutter segments are mounted on the cutter elements to extend radially outwardly beyond the first cutting edges to provide second ripping cutting edges. The second cutting edges terminate forwardly in a rotatively leading direction circumferentially beyond the first cutting edges.

In U.S. Patent No. 5,269,355 to Bowen, a cutting wheel 11 has cutting tooth

bosses 21 extending radially outwardly from a disk 13. Cutting teeth 19 are mounted on the radially outward periphery of the bosses 21 to extend radially outward therefrom. The cutting teeth have leading cutting edges 19a and trailing cutting edges 19b, wherein the cutting edges 19a, 19b are shown circumferentially inwardly of the leading and trailing edges of the bosses 21. Therefore, unlike applicant's claimed embodiment, the leading edges of the bosses 21 would make contact with wood material being disintegrated in advance of the cutting edges 19a. In addition, there is no discussion or suggestion that the bosses 21 provide cutting edges at all. The stated purpose of the bosses 21 is to increase the protrusion of the teeth 19 from the disk 13, and to provide a wider section in which to receive bolts 23 (see Col. 3, lines 36-39). Conversely, the applicant's claimed embodiment provides radially outward first cutting edges that terminate forwardly of radially inward cutting edges, and thus, the outer first cutting edges contact the wood material in advance of the radially inward second cutting edges.

As such, applicant believes claim 14 to contain patentable subject matter and to be in condition for allowance. Such action is respectfully requested.

Applicant has amended claim 18 to depend from amended base claim 15, and thus, claim 18 is believed to be in condition for allowance for at least the same reasons. Such action is respectfully requested.

New Claims

New claim 21 has been added and depends from amended base claim 14 wherein the cutter elements have leading face portions rotatively and peripheral relief surfaces. The cutter segments abut the face portions and the relief surfaces of each cutter element.

The respective abutting surfaces of the cutter elements and cutter segments provide rigid attachment of the cutter segments to the cutter elements. As such, in use, the cutter segments remain secured to the cutter elements by withstanding both tangential loads and radial loads, even under the severe loads encountered while fragmenting wood product.

Neither the basic concept, specific construction and arrangement, nor its significant practical advantages are disclosed or suggested by the Bowen reference, whether considered alone or in combination with the other references.

As such, applicant believes newly added claim 21 contains patentable subject matter and to be in condition for allowance. Such action is respectfully requested.

New claim 22 has been added and depends from amended base claim 14 wherein the cutter elements have leading face portions rotatively, with the cutter segments mounted at least partially on the leading face portions.

For at least the same reasons stated in support of newly added claim 21, applicant believes that newly added claim 22 contains patentable subject matter and to be in condition for allowance. Such action is respectfully requested.

For the reasons discussed, it is submitted that the application is now in condition for final approval.

If, after considering this amendment, the Examiner believes any of the claims are not in a condition for allowance, a telephone interview with applicant's undersigned attorney, John Wright, is respectfully requested. The Examiner is asked to initiate this telephone interview so that immediate consideration can be given to any further amendments suggested by the Examiner or otherwise needed to place all of the claims in a condition for allowance.

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The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 50-0852.

Respectfully submitted,

Morbark, Inc.

By their attorney,

A handwritten signature in black ink, appearing to read "John D. Wright", written over a horizontal line.

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